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| APPLICATION NO.  | FILING DATE   | FIRST NAMED INVENTOR            | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |          |  |              |  |          |              |      |  |           |               |            |       |
|--|---------------|---------------------------------|---|------------------|----------|--|--------------|--|----------|--------------|------|--|-----------|---------------|------------|-------|
| 10/543,132   | 04/17/2006    | Wilhelmus Maria Van Der Krieken | ARNOLDS-09838   | 2629             |          |  |              |  |          |              |      |  |           |               |            |       |
| 7590<br>Christine A Lekutis<br>Medlen & Carroll<br>Suite 350<br>101 Howard Street<br>San Francisco, CA 94105 |               | 07/27/2007                      | <table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">BELL, KENT L</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>1661</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>07/27/2007</td><td>PAPER</td></tr></table> |                  | EXAMINER |  | BELL, KENT L |  | ART UNIT | PAPER NUMBER | 1661 |  | MAIL DATE | DELIVERY MODE | 07/27/2007 | PAPER |
| EXAMINER   |               |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |
| BELL, KENT L   |               |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |
| ART UNIT   | PAPER NUMBER  |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |
| 1661   |               |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |
| MAIL DATE  | DELIVERY MODE |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |
| 07/27/2007   | PAPER         |                                 |   |                  |          |  |              |  |          |              |      |  |           |               |            |       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |  |  |
|------------------------------|-------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>10/543,132 | Applicant(s)<br>VAN DER KRIEKEN ET AL. |  |
|                              | Examiner<br>Kent L. Bell      | Art Unit<br>1661                       |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species of Claim 19 and Claim 21.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Claim 19 and Claim 21 include the specific species to be elected.

The following claim(s) are generic: Claim 1 and Claim 20.

Art Unit: 1661

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The compounds are substantially diverse and would require a substantial burden to the Examiner to search each compound listed in Claim 19 and Claim 21.

### **Future Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kent L. Bell whose telephone number is (571) 272-0973. The Examiner can normally be reached Monday through Thursday from 6:00 am to 4:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

The fax phone number for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

K. L. Bell

KENT BELL  
PRIMARY EXAMINER

A handwritten signature in black ink that reads "Kent L. Bell". The signature is written in a cursive style with a large, stylized "K" and "B".